

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK A. FREGIA,

Plaintiff,

v.

YUCUI CHEN, et al.,

Defendants.

Case No. 1:20-cv-01024-ADA-EPG (PC)

ORDER REQUIRING THE WARDEN OF  
MULE CREEK STATE PRISON TO  
RESPOND TO PLAINTIFF'S MOTION  
FOR AN ORDER UNDER THE ALL  
WRITS ACT (ECF NO. 60) WITHIN  
FOURTEEN DAYS

ORDER DIRECTING CLERK TO SERVE  
A COPY OF THIS ORDER AND THE  
MOTION FOR AN ORDER UNDER THE  
ALL WRITS ACT (ECF NO. 60) ON THE  
WARDEN OF MULE CREEK STATE  
PRISON AND THE LITIGATION  
COORDINATOR AT MULE CREEK  
STATE PRISON

ORDER GRANTING PLAINTIFF  
THIRTY-DAY EXTENSION TO FILE  
RESPONSE TO MOTION FOR  
SUMMARY JUDGMENT

Mark A. Fregia ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On November 21, 2022, Defendants filed a motion for summary judgment. (ECF No. 59). Plaintiff's response is currently due December 27, 2022.

On November 28, 2022, Plaintiff filed what the Court construes as motion for an order under the All Writs Act, along with a request to stay this case. (ECF No. 60). Plaintiff alleges that on November 13, 2022, correctional officers Williams, Bronez, and John Doe came into his cell and took all of his personal property, including all of his legal documents related to this

case.<sup>1</sup> Among other things, Plaintiff asks the Court to order certain prison officials to produce his property that was taken. He also asks that that this case be stayed until his legal documents can be found or replaced.

Given Plaintiff's allegations, and that Plaintiff is requesting relief under the All Writs Act, the Court will require the Warden of Mule Creek State Prison to file a response to Plaintiff's motion. Additionally, while the Court is not staying the case at this time, the Court will grant Plaintiff a thirty-day extension of time to file his response to Defendants' motion for summary judgment, up to and including January 26, 2023. If necessary, Plaintiff may request additional extension(s) of time to file his response.

Accordingly, IT IS ORDERED that:

1. Within fourteen (14) days from the date of service of this order, the Warden of Mule Creek State Prison shall file a response to Plaintiff's motion (ECF No. 60);
2. The Clerk of Court is directed to serve the Warden of Mule Creek State Prison and the Litigation Coordinator at Mule Creek State Prison with a copy of this order and Plaintiff's motion (ECF No. 60); and
3. Plaintiff has until January 26, 2023, to file his response to Defendants' motion for summary judgment.

IT IS SO ORDERED.

Dated: November 29, 2022

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Plaintiff alleges that he does not have the case numbers for his cases. The case number for this case is listed above. Plaintiff also has one other pending case in the Eastern District, Fregia v. Miranda, and the case number for that case is 1:21-cv-01068-AWI-BAM.